

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-10, 12-29, 31, 32, 34-40 are pending in this application. Claims 1, 13, 20-22 and 36-37 are amended. Claims 11, 30 and 33 were previously canceled. Claims 4 and 7 are canceled without prejudice or disclaimer. Claim 41 is added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

In the Office Action dated February 8, 2007, claim 21 stands rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Claims 1-10, 12-20, 22-29, 31-32 and 34-40 stand rejected under 35 U.S.C. § 101 due to being allegedly directed to non-statutory matter as allegedly not producing a tangible result. Claims 1-10 and 12-21 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Claims 1-10, 12-17, 19-29, 31-32, 34-35 and 38-40 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bolosky, U.S. Patent No. 6,477,544 and further in view of Wesinger, U.S. Patent No. 5,870,550. Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bolosky as applied to claim 1, and further in view of Wilde, U.S. Patent No. 5,991,753. Claims 36 and 37 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Bolosky, as applied to claim 34, and further in view of Byrnes, U.S. Patent No. 6,832,249.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Interview at the USPTO

Applicants' representative thanks the Examiner for the courtesies extended during the interview at the USPTO on April 11, 2007. During the interview, Applicants' representative presented the arguments regarding the distinction between virtual hosts and Virtual Private Servers, as well as the distinctions between the NTFS-based link file scheme that uses file content to determine whether a file is a stub file, and the present application, where the file ID itself is used to determine whether the file is a stub file. The claims have been amended in accordance with the discussion during the interview, as suggested by the Examiner.

Rejections under 35 U.S.C. § 101

All of the claims rejected under 35 U.S.C. § 101 have been amended to address these rejections, specifically, to recite a computer readable medium in claim 21, as suggested by the Examiner, and to further clarify the tangible result produced by the claimed invention. Applicant respectfully requests that the rejections under 35 U.S.C. § 101 be withdrawn.

Rejections 35 U.S.C. § 112, second paragraph

Claims 1, 20 and 21 have been amended to address the indefiniteness rejection regarding one VPS/multiple VPSs. Throughout the claims, where a single VPS is referred to, it is referred

to as the “selected VPS.” It should be noted that this language is not meant to refer to an affirmative step of a physical user clicking on an icon to select a VPS (or some such) – the user in this case is a group of processes running inside the VPS, and, as such, the “selection” of the particular VPS is the only possible choice in this sense.

Claims 36 and 37 have been amended to address the indefiniteness rejections regarding the use of terms “hard” and “soft.” Reconsideration and withdrawal of the rejections is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

All of the claims stand rejected under 35 U.S.C. § 103(a) based on a combination of Bolosky and Wesinger. The independent claims have been amended, as discussed during the interview at the USPTO, to further clarify what is meant by a Virtual Private Server (VPS), and that whether a file is a stub file is determined based on a lookup of whether the file is a stub file. Support for the language of the amendment relating to VPSs may be found in paragraph 0079 of the specification. Support for the language regarding the lookup and the stub files may be found, for example, in FIG. 6 (see element 610) and the corresponding discussion in the specification regarding FIG. 6.

As discussed during the interview at the USPTO, Applicants believe that these aspects fully distinguish the pending claims over any combination of Bolosky with Wesinger. Addressing the Wesinger reference first, this reference is directed to virtual hosts, not Virtual Private Servers. A virtual host is, as is well known in the art, a mechanism for virtualizing a web

server. On the other hand, a Virtual Private Server is a mechanism for virtualizing an entire computer.

In 2003, the term “VPS” (Virtual Private Server) was used for a virtual analog of a real server (<http://web.archive.org/web/20031204015018/thewhir.com/find/web-hosts/articles/vps.cfm>):

A virtual private server provides the features of a dedicated server on a machine that is shared by other Web hosting customers. Customers therefore get hosting services that are similar to that of dedicated Web hosting without sacrificing privacy or performance. Moreover In essence, a VPS solution is a private and protected Web services infrastructure that operates as an independent server.

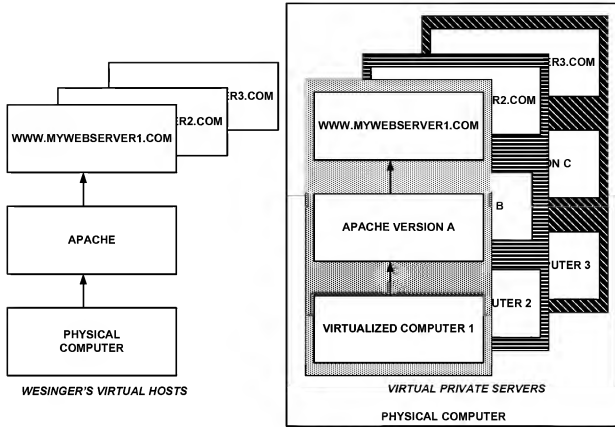
The most popular feature that VPS customers use, however, is the virtual private server's capacity for "functional isolation." Because a VPS has its own contained services, it is possible for users to install and customize their own open-source and commercial software packages.

As seen from the text above, a VPS differs from virtual hosting:

A virtual private server eliminates the restrictions of virtual hosting by providing all of the administrative features of a dedicated server.... Virtual hosting is limited in comparison because its users do not have root access and software configurations cannot be customized, despite the fact that physical resources are also multiplexed.

Namely, virtual hosting provides for sharing files on the same server, see http://web.archive.org/web/20040205214226/thewhir.com/find/web-hosts/articles/whatis_virtual.cfm: “Shared is the most basic level of hosting. With shared hosting, numerous Web sites are shared on one server. ... Virtual or shared Web hosting is the business of housing and serving files for a Web site.”

These aspects may be illustrated by the figure below, which graphically shows the difference:



Applicants further note that this aspect is clearly discussed in Wesinger, *see*, for example, FIG. 4 of Wesinger, as well as column 3, lines 30-43 and column 5 (line 59 through column 6, line 11). Thus, the Virtual Private Server that provides services to users as if it were a fully functional computer is not disclosed in either Wesinger or Bolosky, or any combination thereof. Applicants therefore respectfully submit that this distinction alone is sufficient to overcome the art of record.

Furthermore, the claims have been amended to recite that the file is accessed by the VPS after looking up whether the file ID is a file of a stub file. This is an aspect that is also not disclosed in Bolosky, the primary reference. In Bolosky, the file must first be opened, and the contents examined, to determine whether the file at issue is a stub file or a "real" file. This is

discussed in Bolosky, for example, at column 6, line 66 through column 7, line 24. On the other hand, as claimed in the pending independent claims, whether a file is a stub file is determined based on its file ID, by looking up (in a stored list, or database, or the like) that the file is a stub file. Thus, this aspect provides an additional, separate ground for patentability of the pending claims over the cited references.

Applicants therefore respectfully request reconsideration and withdrawal of the rejections, and allowance of all the claims.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,
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